

**Commonwealth of Kentucky
Environmental and Public Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382**

**Title V
AIR QUALITY PERMIT
Issued under 401 KAR 52:020**

Permittee Name: Owensboro Grain Edible Oils LLC
Mailing Address: 1145 Ewing Road, P.O. Box 1787, Owensboro,
Kentucky 42302

Source Name: Owensboro Grain Edible Oils, LLC
Mailing Address: Same as Above

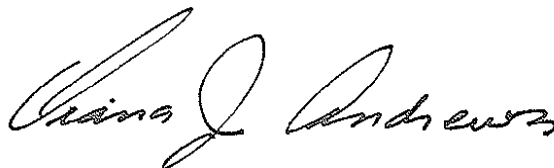
Source Location: 1145 Ewing Road, Owensboro, Kentucky

Permit Number: V-05-005 (Revision I)
Activity ID #: APE20050002
Review Type: Operating
AI Number: 939
Source ID #: 21-059-00175

Regional Office: Owensboro Regional Office
3032 Alvey Park Drive W., Suite 700
Owensboro, KY 42303-2191
(270) 687-7304

County: Daviess

Application
Complete Date: October 5, 1999
Issuance Date: March 30, 2005
Revision Date: June 6, 2007
Expiration Date: March 30, 2010



**John S. Lyons, Director
Division for Air Quality**

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SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the construction and operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and received a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:020, Title V Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

- 02 (2) Bleaching Clay Storage Silo**
Maximum Rated Capacity- 25 tons/hour
Date of Installation: October 1996
Control Equipment: Baghouse

APPLICABLE REGULATIONS:

State Regulation 401 KAR 59:010, New process operations applies to particulate matter and visible emissions.

1. Operating Limitations:

N/A

2. Emission Limitations:

- a. Pursuant to Regulation 401 KAR 59:010, Section 3(2):

1. Emissions of particulate matter from the Bleaching Clay Storage Silo (Emission Point (02 (2))) shall not exceed 26.41 lbs/hr.

As determined by the following equations using the process weight rate (in units of tons/hr).

For process rates up to 60,000 lbs/hr:	$E = 3.59 P^{0.62}$
For process rates in excess of 60,000 lbs/hr:	$E = 17.31 P^{0.16}$

For the equation E = rate of emission in lb/hr and P = process weight rate in tons/hour

- b. Pursuant to Regulation 401 KAR 59:010, Section 3(1), any continuous emissions into the open air shall not equal or exceed twenty percent (20%) opacity.

Compliance Demonstration Method:

- a. Compliance is assumed if the baghouse is maintained and operated correctly and during all hours of truck unloading.
- b. Please see Specific Monitoring requirements for opacity compliance.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

3. Testing Requirements:

Pursuant to State Regulations 401 KAR 50:055, General compliance requirements; 401 KAR 59:005, Section 2(2) and 401 KAR 50:045, Section 1, performance testing in accordance with EPA Method 5 or Method 17 for particulate matter using the Reference Methods specified in State Regulation 401 KAR 50:015 shall be conducted as required by the Division.

4. Specific Monitoring Requirements:

The permittee shall monitor the following parameters:

- a. Monthly raw material throughput from the Bleaching Clay Storage Silo (EP 02 (2)).
- b. Monthly hours of operation of the Bleaching Clay Storage Silo (EP 02 (2)).
- c. Once during each truck unloading operation, the permittee shall survey the stack for the Bleaching Clay Storage Silo (EP 02 (2)) and maintain a log of these surveys noting the following information:
 1. Whether any air emissions were visible from the stack;
 2. Whether the visible emissions were normal for the stack
- d. If no visible emissions are observed then no further monitoring is required. If visible emissions are observed, the permittee shall perform a Method 9 reading. The opacity shall be recorded in the daily log. The reading shall be performed by a representative of the permittee certified in Visible Emission Evaluations. The permittee shall maintain a list of all individuals that are certified Visible Emissions Evaluators and the date of certification.
- e. For the baghouse associated with Emission Point (EP 02 (2)), the permittee shall maintain, calibrate and operate according to manufacturer's specification, a monitoring device for measurement of the differential static pressure across the baghouse. The differential static pressure shall be measured once during each truck unloading.

5. Specific Recordkeeping Requirements:

The permittee shall maintain records of the following information:

- a. Records of visual inspections performed during each truck unloading.
- b. Records of the differential static pressure across the baghouse.
- c. All maintenance activities performed at the baghouse.

6. Specific Reporting Requirements:

N/A

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

7. Specific Control Equipment Operating Conditions:

Pursuant to State Regulation 401 KAR 50:055, General compliance requirements, Section 2(5), all air pollution control equipment and all pollution control measures proposed by the application in response to which this permit is issued shall be in place, properly maintained, and in operation in accordance with the manufacture's specifications and/or standard operating procedures at any time an affected facility for which the equipment and measures are designed is operated, except as provided by State Regulation 401 KAR 50:055, Section 1. The permittee shall record the occurrence, duration, cause, and any corrective action taken for each incident when the emission points are in operation but the associated control equipment is not.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- 05 (-) **Paved Haul Road and Yard Area**
Maximum Rated Capacity- 45 tons/hour
Date of Installation: October 1996
Control Equipment: Water Sprays
- 05 (-) **Unpaved Haul Road and Yard Area**
Maximum Rated Capacity- 45 tons/hour
Date of Installation: October 1996
Control Equipment: Water Sprays

APPLICABLE REGULATIONS:

State Regulation 401 KAR 63:010, Fugitive emissions.

1. Operating Limitations:

Each affected facility listed above shall be controlled with wet suppression, enclosures, and/or dust collection equipment so as to comply with the requirements specified in State Regulation 401 KAR 63:010, Fugitive emissions, Section 3. Standards for fugitive emissions.

2. Emission Limitations:

N/A

3. Testing Requirements:

N/A

4. Specific Monitoring Requirements:

Daily observations are required during daylight hours of all operations, control equipment and any visible emissions to determine whether conditions appear to be either normal or abnormal.

See Section F, Condition 2.

5. Specific Recordkeeping Requirements:

N/A

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

6. Specific Reporting Requirements:

If the operations, controls and/or emissions appear to be abnormal, the permittee must then comply with the requirements of Section F – Monitoring, Record Keeping, and Reporting Requirements, 8., of this permit.

7. Specific Control Equipment Operating Conditions:

N/A

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

01 (01) Cleaver Brooks Boiler
Maximum Rated Capacity- 73.69 mmBTU/hr
Date of Installation: October 1996
Control Equipment: None
Primary Fuel: Natural Gas
Secondary Fuel: # 2 Fuel Oil

(01) Geka Boiler
Maximum Rated Capacity- 5 mmBTU/hr
Date of Installation: October 1996
Control Equipment: None
Primary Fuel: Natural Gas
Secondary Fuel: # 2 Fuel Oil

(01) Geka Boiler
Maximum Rated Capacity- 5 mmBTU/hr
Date of Installation: October 1996
Control Equipment: None
Primary Fuel: Natural Gas
Secondary Fuel: # 2 Fuel Oil

APPLICABLE REGULATIONS:

401 KAR 60:005, incorporating by reference 40 CFR 60 Subpart Dc – Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units (only applies to the Cleaver Brooks Boiler)

State Regulation 401 KAR 59:015, New indirect heat exchangers.

1. Operating Limitations:

- a. The source shall not burn more than 2,500,000 gallons of # 2 fuel oil during any consecutive 12 month period (PSD avoidance limit – self imposed).

Compliance Demonstration Method:

For the purpose of demonstration of continuing compliance, the following guidelines shall be followed:

The permittee shall monitor and record the monthly # 2 fuel oil usage and shall not burn more than 2,500,000 gallons of # 2 fuel oil during any consecutive 12 month period.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

2. Emission Limitations:

- a. Pursuant to Regulation 40 CFR 60, Subpart Dc, Section 60.42c(d), the owner or operator shall not combust fuel oil in the Cleaver Brooks boiler that contains greater than 0.5 weight percent sulfur.
- b. Pursuant to Regulation 401 KAR 59:015, Section 4:
 1. Emissions of particulate matter shall not exceed 0.34 lbs/mmBTU.
 2. Emissions shall not exhibit greater than 20 percent opacity except:
 - i. That, for indirect heat exchangers with heat input capacity of less than 250 million BTU per hour, a maximum of 40 percent opacity shall be permissible for not more than 6 consecutive minutes in any 60 consecutive minutes during cleaning of the fire box or blowing soot.
 - ii. For emissions from an indirect heat exchanger during building a new fire for the period required to bring the boiler up to operating conditions provided the method used is that recommended by the manufacturer and the time does not exceed the manufacturer's recommendations.
- c. Pursuant to Regulation 401 KAR 59:015, Section 5(1)(c)1.:
 1. Emissions of sulfur dioxide shall not exceed 1.25 lbs/mmBTU.

Compliance Demonstration Method:

For the purpose of demonstration of continuing compliance, the following guidelines shall be followed:

- a. All limits are assumed to be met while burning natural gas.
- b. For #2 fuel oil combustion, the source shall meet the following:
 1. The permittee shall monitor the heat content and sulfur content of the #2 fuel oil burned on a daily basis. Pursuant to 401 KAR 60:005, incorporating by reference 40 CFR 60, Subpart Dc the permittee may use fuel supplier certification to meet the requirements.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

2. Emission Limitations: Continued

Compliance Demonstration Method: (Continued)

- b. 2. Compliance with hourly emission limit shall be determined as follows:

Hourly Emission Rate = [Monthly processing rate x Emission Factor as determined from AP-42 * / (Hours of operation per month)] x (1-Control Efficiency)

- * If an Emission Factor other than that taken from AP-42 is used, documentation on how that Emission Factor was derived must be submitted to the Division's Central Office for approval.

In determining compliance with the opacity standards as listed above, the owner or operator shall use Method 9 and the procedures as described in 40 CFR 60.11. Also refer to the Specific Monitoring Requirements below.

3. Compliance with sulfur dioxide limit shall be determined as follows:

Emissions in lb/mmBTU = [(Total monthly gas or fuel oil consumption rate x Emission Factor as determined from AP-42 *) / (Total hours of operation per month x Total hourly rated capacity)]

- * If an Emission Factor other than that taken from AP-42 is used, documentation on how that Emission Factor was derived must be submitted to the Division's Central Office for approval.

3. Testing Requirements:

Pursuant to State Regulations 401 KAR 50:055, General compliance requirements; 401 KAR 59:005, Section 2(2) and 401 KAR 50:045, Section 1, performance testing using the Reference Methods specified in State Regulation 401 KAR 50:015 shall be conducted as required by the Division.

4. Specific Monitoring Requirements:

- a. The permittee shall monitor the type and amount of fuel combusted on a weekly basis as well as the hours of operation under each mode of operation.
- b. When burning #2 Fuel Oil, the permittee shall calculate the emissions of sulfur dioxide on a monthly basis.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

4. Specific Monitoring Requirements: (Continued)

- c. When burning fuel oil the permittee shall perform a qualitative visual observation of the opacity of emissions from the stack on a daily basis and maintain a log of the observations. If visible emissions from the stack are seen (not including condensed water vapor within the plume), then the opacity shall be determined by Reference Method 9 and an inspection shall be initiated of the control equipment for any and all necessary repairs, which shall be completed prior to resuming operation.

5. Specific Recordkeeping Requirements:

- a. The permittee shall maintain the records of the type and amount of fuel combusted on a weekly basis as well as the hours of operation.
- b. The permittee shall maintain records of the PM and sulfur dioxide emissions.
- c. The permittee shall maintain records of the daily qualitative opacity readings from the stack.
- d. The permittee shall maintain records of the opacity determined by Reference Method 9, when taken, and documentation of any repairs that were made due to any opacity reading which exceeded the standard.
- e. The permittee shall maintain a record of the fuel sulfur content for each shipment of fuel oil. Fuel certification can be used to comply with this requirement.

6. Specific Reporting Requirements:

N/A

7. Specific Control Equipment Operating Conditions:

N/A

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- 04 (-) **Refining/Bleaching, Hydrogenation (2), Deodorization (2), Soap Stock, Filter Storage, and Hot Well**
Maximum Rated Capacity- 45 tons/hour
Date of Installation: October 1996
Control Equipment: None

APPLICABLE REGULATIONS:

State Regulation 401 KAR 63:020, Potentially hazardous matter or toxic substances.

1. Operating Limitations:

- a. The source shall not emit more than 157.68 tons per year of n-hexane.
- b. The capture efficiency for n-hexane at the hot well vent shall be maintained at a level of 12 percent or greater.

Compliance Demonstration Method:

For the purpose of demonstration of continuing compliance, the following guidelines shall be followed:

- a. The permittee shall monitor and record the hourly oil production and n-hexane emissions and shall not emit more than 157.68 tons per year of n-hexane.
- b. The permittee shall test the capture efficiency for n-hexane at the hot well vent. The capture efficiency shall be at least 12 percent or greater.

2. Emission Limitations:

Pursuant to Regulation 401 KAR 63:020, Section 3:

No owner or operator shall allow any affected facility to emit potentially hazardous matter or toxic substances in such quantities or duration as to be harmful to the health and welfare of humans, animals and plants.

Compliance Demonstration Method:

The hot well is deemed in compliance when capture is $\geq 12\%$

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

3. Testing Requirements:

The owner or operator shall submit a proposed capture efficiency testing protocol for hexane at the hot well vent to the Division for approval. The protocol shall include the appropriate method, description of the method, and the parameters used in the method. The permittee shall conduct a performance test on the hot well vent no later than 180 days after issuance of the permit in accordance with 401 KAR 50:055, General compliance requirements.

4. Specific Monitoring Requirements:

The source shall monitor and record the n-hexane content of raw edible oil received at the plant. The source shall also calculate the annual emissions of n-hexane in tons (twelve month rolling total).

5. Specific Recordkeeping Requirements:

The source shall keep a log of the monthly edible oil production rate and use this to calculate the twelve month rolling total.

6. Specific Reporting Requirements:

The source shall submit the monthly n-hexane emissions and use this to calculate the twelve month rolling total. The monthly n-hexane emission reports shall be submitted with the sources semi-annual report.

7. Specific Control Equipment Operating Conditions:

The source shall operate the hood at the hot well during all hours of operation of the hot well.

SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:020, Section 6. While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

	<u>Description</u>	<u>Generally Applicable Regulation</u>
1.	Edible Oil Receiving and Loadout (Barge, Rail, and Truck), Crude Edible Oil Storage Tanks (7) 3 - 3.5 Million Pound Capacity Each 3 - 40 Million Pound Capacity Each 1 - 21 Million Pound Capacity	401 KAR 63:010
2.	Sodium Hydroxide and Silicon Dioxide Storage and Handling	401 KAR 63:010
3.	Tank Farm – Storage Tanks (44)	401 KAR 63:010
4.	Gasoline Storage Tank (550 Gallons)	401 KAR 63:020
5.	# 2 Fuel Oil Storage Tank (15,000 Gallons)	401 KAR 63:020
6.	# 2 Fuel Oil Storage Tank (15,000 Gallons)	401 KAR 63:020
7.	Ice Condensing Vacuum System	401 KAR 63:020

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. As required by Section 1b of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26; compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS

1. Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS

1. Pursuant to Section 1b (IV)1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
 - a. Date, place as defined in this permit, and time of sampling or measurements;
 - b. Analyses performance dates;
 - c. Company or entity that performed analyses;
 - d. Analytical techniques or methods used;
 - e. Analyses results; and
 - f. Operating conditions during time of sampling or measurement.
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality [Sections 1b(IV) 2 and 1a(8) of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
3. In accordance with the requirements of 401 KAR 52:020 Section 3(1)h the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
 - a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
 - b. To access and copy any records required by the permit;
 - c. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
5. Summary reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation [Section 1b (V) 1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

6. The semi-annual reports are due by January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to 401 KAR 52:020 Section 23. All deviations from permit requirements shall be clearly identified in the reports.
7. In accordance with the provisions of 401 KAR 50:055, Section 1 the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
 - a. When emissions during any planned shutdowns and ensuing startups will exceed the standards notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
 - b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards, notification shall be made as promptly as possible by telephone (or other electronic media) and shall submit written notice upon request.
8. The owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7. above) to the Regional Office listed on the front of this permit within 30 days. Other deviations from permit requirements shall be included in the semiannual report required by Section F.6 [Section 1b (V) 3, 4. of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
9. Pursuant to 401 KAR 52:020, Permits, Section 21, the permittee shall annually certify compliance with the terms and conditions contained in this permit, by completing and returning a Compliance Certification Form (DEP 7007CC) (or an alternative approved by the regional office) to the Regional Office listed on the front of this permit and the U.S. EPA in accordance with the following requirements:
 - a. Identification of the term or condition;
 - b. Compliance status of each term or condition of the permit;
 - c. Whether compliance was continuous or intermittent;
 - d. The method used for determining the compliance status for the source, currently and over the reporting period.
 - e. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

9. f. The certification shall be postmarked by January 30th of each year. Annual compliance certifications should be mailed to the following addresses:

Division for Air Quality
Owensboro Regional Office
3032 Alvey Park Drive W.,
Suite 700
Owensboro, KY 42303-2191

U.S. EPA Region IV
Air Enforcement Branch
Atlanta Federal Center
61 Forsyth St.
Atlanta, GA 30303-8960

Division for Air Quality
Central Files
803 Schenkel Lane
Frankfort, KY 40601

10. In accordance with 401 KAR 52:020, Section 22, the permittee shall provide the Division with all information necessary to determine its subject emissions within thirty (30) days of the date the KYEIS emission survey is mailed to the permittee.
11. Pursuant to Section VII (3) of the policy manual of the Division for Air Quality as referenced in 401 KAR 50:016, Section 1(1), results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days after the completion of the fieldwork.

SECTION G - GENERAL PROVISIONS

(a) General Compliance Requirements

1. The permittee shall comply with all conditions of this permit. Noncompliance shall be a violation of 401 KAR 52:020 and of the Clean Air Act and is grounds for enforcement action including but not limited to termination, revocation and reissuance, revision or denial of a permit [Section 1a, 3 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020 Section 26].
2. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition [Section 1a, 6 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
3. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:020, Section 19. The permit will be reopened for cause and revised accordingly under the following circumstances:
 - a. If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 52:020, Section 12;
 - b. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
 - c. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit;

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

4. The permittee shall furnish information upon request of the Cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or compliance with the conditions of this permit [Section 1a, 7,8 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
5. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such facts or corrected information to the permitting authority [401 KAR 52:020, Section 7(1)].

SECTION G - GENERAL PROVISIONS (CONTINUED)

6. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Section 1a, 14 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
7. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Section 1a, 4 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
8. Except for requirements identified in this permit as state-origin requirements, all terms and conditions shall be enforceable by the United States Environmental Protection Agency and citizens of the United States [Section 1a, 15 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
9. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6) [Section 1a, 10 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
10. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance [401 KAR 52:020, Section 11(3)(b)].
11. This permit does not convey property rights or exclusive privileges [Section 1a, 9 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
12. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Environmental and Public Protection or any other federal, state, or local agency.
13. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry [401 KAR 52:020, Section 11(3)(d)].
14. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders [401 KAR 52:020, Section 11(3)(a)].
15. This permit consolidates the authority of any previously issued PSD, NSR, or Synthetic Minor source preconstruction permit terms and conditions for various emission units and incorporates all requirements of those existing permits into one single permit for this source.

SECTION G - GENERAL PROVISIONS (CONTINUED)

16. Pursuant to 401 KAR 52:020, Section 11, a permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of issuance. Compliance with the conditions of a permit shall be considered compliance with:
 - a. Applicable requirements that are included and specifically identified in the permit and
 - b. Non-applicable requirements expressly identified in this permit.
17. Pursuant to Section VII 2.(1) of the policy manual of the Division for Air Quality as referenced by 401 KAR 50:016, Section 1.(1), at least one month prior to the date of a required performance test, the permittee shall complete and return a Compliance Test Protocol (Form DEP 6027) to the Division's Frankfort Central Office. Pursuant to 401 KAR 50:045, Section 5, the Division shall be notified of the actual test date at least ten (10) days prior to the test.

(b) Permit Expiration and Reapplication Requirements

1. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division [401 KAR 52:020, Section 12].
2. The authority to operate granted shall cease to apply if the source fails to submit additional information requested by the Division after the completeness determination has been made on any application, by whatever deadline the Division sets [401 KAR 52:020 Section 8(2)].

(c) Permit Revisions

1. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:020, Section 14(2).
2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

SECTION G - GENERAL PROVISIONS (CONTINUED)

(d) Construction, Start-Up, and Initial Compliance Demonstration Requirements

No construction authorized by this permit

(e) Acid Rain Program Requirements

1. If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

(f) Emergency Provisions

1. Pursuant to 401 KAR 52:020 Section 24(1), an emergency shall constitute an affirmative defense to an action brought for the noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or relevant evidence that:
 - a. An emergency occurred and the permittee can identify the cause of the emergency;
 - b. The permitted facility was at the time being properly operated;
 - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
 - d. Pursuant to 401 KAR 52:020, 401 KAR 50:055, and KRS 224.01-400, the permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division when emission limitations were exceeded due to an emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.
 - e. This requirement does not relieve the source of other local, state or federal notification requirements.
2. Emergency conditions listed in General Condition (f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement [401 KAR 52:020, Section 24(3)].
3. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof [401 KAR 52:020, Section 24(2)].

SECTION G - GENERAL PROVISIONS (CONTINUED)

(g) Risk Management Provisions

1. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

RMP Reporting Center
P.O. Box 3346
Merrifield, VA, 22116-3346

2. If requested, submit additional relevant information to the Division or the U.S. EPA.

(h) Ozone depleting substances

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
 - a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
 - b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
 - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
 - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166
 - e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
 - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, *Servicing of Motor Vehicle Air Conditioners*.